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Attorney for Plaintiffs, DAVID J. LEE and
DANIEL R. LLOYD

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAVID J. LEE, an individual and, on
behalf of others similarly situated,

Plaintiff,

vs.

CAPITAL ONE BANK and CAPITAL
ONE SERVICES, INC., Virginia
corporations, DOES 1 through 100,
inclusive,

Defendants.

Case No.: C-07-4599 - MHP

CLASS ACTION

(Assigned to the Honorable Marilyn H.
Patel)

STIPULATION AND [PROPOSED]
ORDER TO CHANGE THE DATE OF
THE INITIAL CASE MANAGEMENT
CONFERENCE

Action filed: September 5, 2007

1 WHEREAS, the Initial Case Management Conference is currently scheduled for Monday,
2 December 10, 2007;

3
4 WHEREAS, Plaintiff's counsel will be in San Francisco on Tuesday, December 4, 2007
5 to attend and participate in the hearing on a Motion to Dismiss in the Lee, et al. v. Chase
6 Manhattan Bank, docket number C 07-4732 (MJJ);

7 WHEREAS, it would otherwise be necessary for Plaintiff's counsel to make a special
8 trip to San Francisco to attend and participate in the currently scheduled December 10, 2007
9 Initial Case Management Conference, Plaintiff's counsel wishes to move-up the aforementioned
10 Conference to Tuesday, December 4, 2007 at 2:00 p.m.

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12 WHEREAS, this Stipulation has been made in good faith and without purpose of delay;
13 All necessary filings will be timely made based upon the revised date.

14
15 IT IS HEREBY STIPULATED AND AGREED, by and between the parties, through
16 their respective counsel of record, that Case Management Conference, currently scheduled for
17 Monday, December 10, 2007 shall be re-scheduled for Tuesday, December 4, 2007 at 2:00 p.m.
18 in Courtroom 15, 18th Floor, of the San Francisco Federal Courthouse. Furthermore, the Parties'
19 Joint F.R.C.P. 26 Statement shall now be due no later than Tuesday, November 27, 2007.
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1 Dated: November 6, 2007

MORRISON & FOERSTER
JAMES B. MCGUIRE

3
4 By: _____/S/

5 James R. McGuire

6 Attorney for Defendants

7 CAPITAL ONE BANK AND
8 CAPITAL ONE SERVICES, INC.

9
10 Dated: November 6, 2007

HALE & ASSOCIATES
MATTHEW S. HALE

11
12
13 By: _____/S/

14 Matthew S. Hale

15
16 Attorney for Plaintiff

17 DAVID J. LEE

18
19
20 **IT IS SO ORDERED.**

21
22 By: _____

23 The Honorable
24 Marilyn H. Patel
25 U.S. District Court Judge

26 Dated: November ____, 2007

27 San Francisco, California